

Introduced by Senator Ashburn

(Coauthors: Assembly Members Goldberg and Walters)

February 22, 2005

An act to amend Sections 8484.7 and 8484.8 of the Education Code, relating to afterschool programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 854, as introduced, Ashburn. Community learning centers.

Existing law establishes the After School Education and Safety Program to create incentives to establish locally driven before and after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive.

Existing law states the intent of the Legislature that federally-funded 21st Century Community Learning Centers complement the existing After School Education and Safety Program by utilizing the existing funding provided under that existing program, and to provide the local flexibility needed to implement the federal 21st Century Community Learning Centers program through direct grants. Existing law, in accordance with the 21st Century Community Learning Centers program contained in the federal No Child Left Behind Act of 2001, allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including that a core funding grant conform to the per pupil rate established by the After School Education and Safety Program, that funding for a grant be allocated in annual increments for a period not to exceed 5 years, that 2nd year core funding be fully allocated if a program achieves no less than 85% of the proposed pupil attendance, and that subsequent year core funding be fully allocated if a program achieves no less than 100% of the proposed pupil attendance.

This bill would allocate funds appropriated in the annual Budget Act for those learning center programs. The bill would set the maximum per pupil rate at \$5 per proposed pupil, per proposed program day. The bill would require the State Department of Education to award a grant for a period of 5 years, would require the department to fully allocate 2nd year core funding if a program achieves no less than 80% of the proposed pupil attendance, 3rd year core funding if a program achieves no less than 90% of the proposed pupil attendance, and, in subsequent years, fully allocate core funding if a program achieves no less than 95% of the proposed pupil attendance. The bill would set a schedule by which the department is required to allocate funding within a year. The bill would, upon certain conditions, allow a grantee to calculate actual pupil attendance by averaging pupil attendance over all sites for which the grantee received funds, and allow a grantee to replace or close a site for which the grantee received funds.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8484.7 of the Education Code is
2 amended to read:

3 8484.7. It is the intent of the Legislature that the 21st Century
4 Community Learning Centers program contained within the
5 federal No Child Left Behind Act of 2001 (P.L. 107-110)
6 complement the ~~existing Before and After School Learning and~~
7 ~~Safe Neighborhoods Partnerships Program~~ *After School*
8 *Education and Safety Program* established by Article 22.5
9 (commencing with Section 8482), ~~utilizing the existing per pupil~~
10 ~~rates and maximum grant amounts specified in that article, and to~~
11 provide the local flexibility needed to implement federal 21st
12 Century Community Learning Centers programs through direct
13 grants *for core funding, with accountability for pupil attendance,*
14 *and other direct grants for core funding recipients to meet local*
15 *access and literacy needs,* as specified in this article.

16 SEC. 2. Section 8484.8 of the Education Code is amended to
17 read:

18 8484.8. In accordance with Part B of Title IV of the federal
19 No Child Left Behind Act of 2001 (P.L. 107-110), of the funds
20 appropriated in Item 6110-197-0890 of Section 2.00 of the

1 ~~annual~~ Budget Act ~~of 2002~~, funds shall be available for
2 expenditure as follows:

3 (a) The amount of one million dollars (\$1,000,000) shall be
4 available to the ~~State Department of Education~~ *department* for
5 purposes of providing technical assistance, evaluation and
6 training services, for carrying out programs related to 21st
7 Century Community Learning Center programs.

8 (b) (1) An amount of up to three million five hundred
9 thousand dollars (\$3,500,000) shall be available for direct grants,
10 in an amount not to exceed twenty-five thousand dollars
11 (\$25,000) per site, per year, for community learning center
12 programs that serve middle and elementary school pupils for
13 providing equitable access to, and participation in, community
14 learning center programs, according to needs determined by the
15 local community.

16 (2) The ~~State Department of Education~~ *department* shall
17 determine the requirements for eligibility for a grant under this
18 subdivision, consistent with the following:

19 (A) Consistent with the local partnership approach inherent in
20 Article 22.5 (commencing with Section 8482), grants awarded
21 under this subdivision shall provide supplemental assistance to
22 programs. It is not intended that a grant fund the full anticipated
23 costs of the services provided by a community learning center
24 program.

25 (B) In determining the need for a grant pursuant to this
26 subdivision, the ~~State Department of Education~~ *department* shall
27 base its determination on a needs assessment and a determination
28 that existing resources are not available to meet these needs,
29 including, ~~but not limited to~~, a description of how the needs,
30 strengths, and resources of the community have been assessed,
31 currently available resources, and the justification for additional
32 resources for that purpose.

33 (C) The ~~State Department of Education~~ *department* shall
34 award grants for a specific purpose, as justified by the applicant.

35 (3) To be eligible to receive a grant under this subdivision, the
36 designated public agency representative for the applicant shall ~~be~~
37 ~~required to~~ certify that an annual fiscal audit will be conducted
38 and that adequate, accurate records will be kept. In addition, each
39 applicant shall provide the ~~State Department of Education~~
40 *department* with the assurance that funds received under this

1 subdivision are expended only for those services and supports for
2 which they are granted. The ~~State Department of Education~~
3 ~~department~~ shall require grant recipients to submit annual budget
4 reports, and the ~~State Department of Education~~ ~~department~~ shall
5 have the authority to withhold funds in subsequent years if direct
6 grant funds are expended for purposes other than as awarded.

7 (c) Up to one million dollars (\$1,000,000) shall be available
8 for direct grants of up to twenty thousand dollars (\$20,000) per
9 site, per year, for providing family literacy services only to those
10 schoolsites that identify such a need for families of 21st Century
11 Community Learning Center program pupils, and that
12 demonstrate a fiscal hardship by certifying that existing resources
13 including, ~~but not limited to~~, funding for Title III of the No Child
14 Left Behind Act of 2001 (P.L. 107-110), Chapter 3 (commencing
15 with Section 300) of Part 1, adult education, community college,
16 and the federal Even Start Program are not available or are
17 insufficient to serve these families. An assurance that the funds
18 received under this subdivision are expended only for those
19 services and supports for which they were granted shall be
20 required.

21 (d) Of the remaining funds in Item 6110-197-0890 of Section
22 2.00 of the Budget Act of 2002, two million five hundred
23 thousand dollars (\$2,500,000) shall be allocated on a priority
24 basis for grants to community learning center programs serving
25 high school pupils, and the remainder of this amount shall be
26 allocated on a priority basis for programs for middle and
27 elementary school pupils.

28 (e) Grant awards under this section shall be restricted to those
29 applications that propose primarily to serve pupils that attend
30 schoolwide programs, as described in Title I of the No Child Left
31 Behind Act of 2001. Competitive priority shall be given to
32 applications that propose to serve children and youth in schools
33 designated as being in need of improvement under subsection (b)
34 of Section 6316 of Title 20 of the United States Code, and that
35 are jointly submitted by school districts and community-based
36 organizations. Applications to serve pupils in programs that have
37 received grants under Article 22.5 (commencing with Section
38 8482) shall be funded only when proposing to expand in
39 additional sites or to add pupils to a currently funded site.

(f) (1) Core funding grants for programs serving middle and elementary school pupils in before and after school programs shall conform to the ~~per pupil rates and~~ grant maximum amounts established in Article 22.5 (commencing with Section 8482) for similar state funded programs. *The maximum core grant shall be an amount equal to five dollars (\$5) per proposed pupil, per proposed program day.*

(2) (A) Funding for ~~each a grant shall be allocated in annual increments~~ for a period ~~not to exceed~~ of five years.

(B) *In the first year of a program, the department shall allocate 50 percent of the grant for that year no later than 45 days after the grantee accepts the award, or no later than the beginning of the program year, whichever comes first. In successive years, the department shall allocate 50 percent of the grant for that year no later than the beginning of the program year.*

(C) *For the second apportionment, the department shall allocate 30 percent of the grant for a year no later than 150 days after the beginning of the program year, upon receipt of a pupil attendance report.*

(D) *For the third and final apportionment, the department shall allocate the balance of the grant for a year no later than the end of the program year, upon receipt of a pupil attendance report.*

(3) A first year grant award of core funding shall be fully allocated if a program has achieved no less than 70 percent of the proposed pupil attendance. Second year core funding shall be fully allocated if a program has achieved no less than ~~85~~ 80 percent of the proposed pupil attendance. *Third year core funding shall be fully allocated if a program has achieved no less than 90 percent of the proposed pupil attendance.* Subsequent year core funding shall be allocated if a program has achieved no less than ~~100~~ 95 percent pupil attendance.

(4) *The department, in order to ensure that a program is sustained, may make reasonable adjustments in grant allocations if a grantee fails to achieve an attendance target as a result of natural disaster or civil unrest.*

(5) *A grantee, with the approval of the department, may calculate actual pupil attendance in any one year by averaging the pupil attendance at all sites for which a grantee receive core grant funds, so long as the number of pupils is not less than the*

1 *proposed pupil attendance at all sites for which a grantee receive*
2 *core grant funds.*

3 (6) *There is no maximum number of pupils that a grantee may*
4 *serve at any one site.*

5 (7) *A grantee, with the approval of the department, may*
6 *replace or close a site for which a grantee received core grant*
7 *funds.*

8 (8) ~~Each grantee shall be required to identify the federal, state,~~
9 ~~and local programs that will be combined or coordinated with the~~
10 ~~proposed program for the most effective use of public resources,~~
11 ~~and to describe a plan for continuing the program beyond federal~~
12 ~~grant funding. Grantees~~

13 (9) ~~A grantee shall be required to submit annual attendance~~
14 ~~data and results to facilitate evaluation and compliance with~~
15 ~~provisions established by the State Department of Education~~
16 ~~department. Programs~~

17 (10) ~~A program receiving grants a grant under this subdivision~~
18 ~~are is not assured of grant renewal from future state or federal~~
19 ~~funding at the conclusion of the grant period.~~

20 (g) *A total annual grant award for core funding and direct*
21 *grants for a site serving elementary or middle school pupils shall*
22 *be fifty thousand dollars (\$50,000) per year or more, consistent*
23 *with federal requirements.*

24 (h) ~~Grants for programs~~ *A grant for a program serving high*
25 *school pupils at schoolsites or sites of other organizations, as*
26 *determined to be eligible by the State Department of Education*
27 *department and consistent with the provisions of the 21st*
28 *Century Community Learning Centers program, shall be is*
29 *available as an annual minimum grant of fifty thousand dollars*
30 *(\$50,000) per year. Grant funding above the minimum shall be*
31 *determined in proportion to the average daily attendance of the*
32 *high school program site or sites to be served and other factors*
33 *including, but not limited to, proposed attendance and effective*
34 *use of resources as determined by the State Department of*
35 ~~Education department~~ *up to two hundred and fifty thousand*
36 *dollars (\$250,000) per year for five years. A grantee that*
37 *establishes a high school program pursuant to this subdivision*
38 *shall be subject to annual reporting and recertification as required*
39 *by the State Department of Education department. After the*
40 *second year, the State Department of Education department shall*

1 reduce funding of programs in which actual attendance is
2 significantly below proposed attendance levels. An evaluation of
3 the program funded pursuant to this subdivision shall be
4 submitted no later than 180 days after the completion of the
5 second year of the program. ~~The State Department of Education~~
6 *department* shall provide the results of that evaluation and work
7 with the Legislature, the Department of Finance, program
8 providers, and other interested parties to adopt or restructure a
9 high school after school program for California that is both
10 programmatically and fiscally sound. Grantees shall be eligible
11 for fourth and fifth year funding consistent with the restructured
12 requirements. ~~Each~~ *A* grantee shall be required to identify the
13 federal, state, and local programs that will be combined or
14 coordinated with the proposed program for the most effective use
15 of public resources and to describe a plan for continuing the
16 program beyond federal grant funding. Grantees shall be required
17 to submit annual attendance data results to facilitate evaluation
18 and compliance with provisions established by the ~~State~~
19 ~~Department of Education~~ *department*. ~~Programs~~ *A program*
20 ~~receiving grants a grant~~ under this subdivision ~~are~~ *is* not assured
21 of grant renewal from future state or federal funding at the
22 conclusion of the grant period.

23 (i) Funds received but unexpended under this article may be
24 carried forward to subsequent years consistent with federal
25 requirements. In year one, the full grant may be retained.

26 (j) ~~The provisions of this~~ *This* article shall be operative only to
27 the extent that federal funds are made available for the purposes
28 of this article. It is the intent of the Legislature that ~~the provisions~~
29 ~~of~~ this article not be considered a precedent for general fund
30 augmentation of either the state administered, federally funded
31 program of this article, or any other state funded before or after
32 school program.